

LEGAL COUNSEL ROLE

Role Summary

The Legal Counsel Role consists of four grade levels (16-19). Incumbents are responsible for assigned legal matters affecting the department. Work in the role ranges from performing legal review, providing counsel regarding departmental issues, reviewing department contracts and other legal documents, to primary legal counsel for specialized tax area. At the highest-level incumbents represent the department on unique and/or sensitive appeals, and/or represent the department before courts, administrative bodies, and the legislature. Primary contacts are with the director, department managers, other state and federal agencies, department staff, taxpayers' attorneys, courts, and quasi-judicial bodies.

Working Conditions

Periods of high stress, often weeks at a time, working under pressure of critical projects with hard deadlines. Mental stress is encountered as a result of managing a heavy workload, the technical nature of the work, and the significance of decisions made. Work hours routinely exceed 40 hours per week.

Education and Experience

- Grade 16: competencies and degrees of proficiency are typically acquired through a juris-doctorate and two years of legal experience.
- Grade 17: competencies and degrees of proficiency are typically acquired through a juris-doctorate and three years of legal experience and one year of applicable tax litigation work.
- Grade 18: competencies and degrees of proficiency are typically acquired through a juris-doctorate and three years of progressively responsible trial experience and one year of active litigation in a field applicable to tax issues.
- Grade 19: competencies and degrees of proficiency are typically acquired through a juris-doctorate and five years of experience in dealing effectively with highly sensitive, long-term political and legally entangled issues, including two years of tax litigation.

Department Core Competencies

In addition to the role specific competencies, there are four, department core competencies that all employees are expected to successfully achieve. These are:

- *Interpersonal Skills:* Builds constructive and effective relationships with internal and external customers and is committed to meeting customer needs in a timely and accurate manner. Listens actively and attentively and demonstrates an appreciation of other perspectives. Builds the appropriate rapport required to do business. Openly demonstrates an understanding of and respect for the value of co-workers' contributions to the department mission.
- *Decision-Making and Accountability:* Considers the department's vision, mission, and values in making decisions and taking actions. Identifies and considers possible alternatives before making decisions. Bases decisions on achieving desired outcomes pursuant to the departmental business plan or management direction. Uses a combination of analysis,

experience, and sound judgment that results in fairness and consistency, while being accountable for actions. When serious ethical issues are at stake, takes all necessary actions.

- *Commitment to Continuous Improvement:* Ability and willingness to continually seek greater efficiency in agency programs, is results driven, and meets changing requirements in work or direction. Adapts to changing conditions and work responsibilities. Accepts constructive criticism and suggestions and uses them to improve performance.
- *Personal and Work Ethics:* Creates own measures of excellence, and practices what he/she promotes. Sets goals that provide challenges and measures goal attainment regularly. Displays a contagious optimism about the work to be done. Goes beyond traditional ways to address issues despite obstacles or resistance. Is able to generate ideas, fresh perspectives, and original approaches and engages in open-minded thinking. Employs strategies to promote ideas and proposals to increase probability of acceptance. Mentors others to improve the performance necessary to achieve success. Reflects a belief that the results achieved are a direct result of his/her personal decisions and actions.

Grade Levels

Each grade level lists the essential duties that describe work performed 50 percent or more of the time (predominant work). Established work plans identify day-to-day tasks.

Grade 16

Predominant/Essential Duties

- Involved in highly specialized tax law. Cases are complex, somewhat recurring, and affect immediate parties involved in litigation.
- Responsible for researching and drafting opinions.
- Perform legal reviews.
- Conduct intellectual analysis and advanced research.
- Provide legal counsel on tax and liquor issues to department staff.
- Responsible for litigation as assigned by chief counsel.
 - Draft pleadings and briefs.
 - Conduct discovery.
 - Assist other legal counsel in conducting mediation, negotiation, and at trial.
- Review department standardized contracts and other standardized legal documents.
- Assist other staff in drafting and reviewing legislation and administrative rules.
- Assist other legal counsel with specialized tax areas.
- Appear with other department legal counsel before courts and administrative bodies.
- Assist other legal counsel in representing the department on appeals
- Removed and infrequent guidance in planning and review of results.

Grade 17

Predominant/Essential Duties

- Handle the more difficult and diverse tax cases having complex legal cases frequently involving vague and conflicting information-highly interpretive. Primary legal counsel for specialized tax areas.
- Responsible for tax litigation as assigned by chief counsel.
 - Draft pleadings and briefs.
 - Conduct discovery.
 - Conduct mediation and negotiation.

- Represent the department on routine appeals and at trial.
- Review department contracts and other legal documents.
- Draft legislation and participate in legislative review process and implementation.
- Draft and review administrative rules.
- Represent the department before courts, administrative bodies, and the legislature.
- Work independently in planning and development. Supervision is primarily by final review.
- Decisions impact future cases and may set precedent.
- Handle own court case planning and advise administrators independently.

Grade 18

Predominant/Essential Duties

- Assigned numerous and most difficult, complex tax cases the department handles involving uncertain risks and highly sensitive and entangled issues. Represent the department before the legislature.
- Responsible for unique and/or sensitive tax litigation cases as assigned by chief counsel.
 - Draft pleadings and briefs.
 - Conduct discovery.
 - Conduct mediation and negotiation.
- Represent the department on unique and/or sensitive appeals and at trial.
- Lead counsel for assigned litigation.
- Represent the department before courts and administrative bodies in cases that can set precedent and/or impact future cases.
- Draft legislation and participate in legislative review process.

Grade 19

Predominant/Essential Duties

- Assigned numerous and most difficult and complex tax cases the department handles involving uncertain risks and highly sensitive and entangled issues. Issues routinely have long-range ramifications statewide.
- Responsible for unique and/or sensitive tax litigation cases that have statewide or national impact as assigned by chief counsel.
 - Draft pleadings and briefs.
 - Conduct discovery.
 - Conduct mediation and negotiation.
- Represent the department on unique and/or sensitive appeals.
- Advise management and/or the director on assigned legal issues.
- Represent the department before courts, administrative bodies, and the legislature.
- Mentor and coach other legal staff.
- Provide legal advice for the implementation of legislation.
- Draft legislation affecting tax structure and participate in legislative review process.
- Highest-level technical expert, freed to make decisions and advise top officials.

Department Core Competencies

The Competency/Proficiency Chart identifies the role specific competencies, degrees of proficiency, and guidance required for each grade level. Role specific competencies describe the knowledge, skills, and abilities required to perform the essential duties. The degrees of proficiency indicate the difficulty and/or complexity level of the tasks and assignments.

Competency/Proficiency Chart - Legal Counsel Role

Competencies	Grade 16 Under Guidance	Grade 17 Minimal Guidance	Grade 18 Minimal Guidance	Grade 19 Independently
Demonstrated skill and ability in litigation and legal practice.	A	B	C	D
Demonstrated knowledge of preparation and use of legal documents.	B	B	C	C
Demonstrated knowledge of administrative and court procedures.	B	B	C	C
Demonstrated knowledge of law office practices and procedures.	B	C	C	C
Demonstrated knowledge and ability to apply legal strategy.	B	B	C	D
Demonstrated analytical skills relative to the role.	B	B	C	D
Demonstrated skill and ability to work on multiple tasks.	B	B	C	D
Demonstrated knowledge of the state tax system.	A	B	C	D
Demonstrated knowledge and effective application of federal/state statutes, administrative rules, and state policies and procedures relative to the role.	B	B	C	C
Demonstrated knowledge of the legislative process.	A	B	C	C
Demonstrated knowledge of governmental organizational structure, goals, and strategies.	A	B	C	C
Demonstrated knowledge and ability in conflict resolution techniques relative to the role.	A	B	C	C
Demonstrated knowledge and ability in negotiation techniques relative to the role.	A	B	C	C
Proactively focus efforts and energy on successfully attaining goals and objectives, assuming accountability for decisions, actions, and results. Follow issues through to completion.	B	C	C	C
Demonstrated ability to think creatively and recommend innovative solutions.	B	C	C	C
Demonstrated ability to provide timely and effective written, oral, and interpersonal communication.	B	C	C	D
Demonstrated research skill relative to the role.	B	C	C	C

Degree of Proficiency

A: A degree of knowledge, skill, or ability commensurate with elementary-level tasks and assignments.

B: A degree of knowledge, skill, or ability commensurate with intermediate-level tasks and assignments.

C: A degree of knowledge, skill, or ability commensurate with advanced-level tasks and assignments.

D: An advanced degree of knowledge, skill, or ability commensurate with considerable experience and the application of the competency to non-standard tasks and assignments.

E: The most advanced degree of knowledge, skill, or ability, evidencing complete mastery and understanding of the subject.